IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.156 of 2006
DATE OF DECISION: 22.8.2006

Deepa Singh alias Hardeep Singh

...Appellant

versus

Dawarki Devi and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice S.D.Anand.

Present: Mr.B.P.S.Dhillon, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

This FAO arises out of an award dated 8.9.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Mansa, in MACT Case No.36 of 18.10.2004, awarding a sum of Rs.2,68,800/- in death case of a labourer, aged 35 years.

Learned counsel assailed the award only on two points, namely, that the person, to whom the tractor had been sold, was not impleaded as a party, and secondly, that the quantum of the award is on higher side. As regards the first submission, there was no such plea before the Tribunal that

the appellant was not the owner of the vehicle and even if the vehicle had been sold out, it was not transferred in the name of subsequent purchaser on the record of the Transport Authority. So as far as the second submission is concerned, the Tribunal has taken a reasonable view in assessing the income of the deceased on notional basis as a labourer and has assessed it at the rate of Rs.2100/- per month. After deducting 1/3rd towards personal expenses, the compensation amount has been worked out. The view taken by the Tribunal appears to be just and reasonable. Normally, in death cases of labourers, the notional income is assessed between Rs.2100/- to Rs.2400/- per month.

We do not find any merit in this FAO, hence, it is dismissed, at the threshold.

(UMA NATH SINGH)
JUDGE

August 22, 2006
pk

(S.D.ANAND)
JUDGE